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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,227	01/22/2004	Masaru Muramatsu	118441	2742
25944 7590 04/05/2007 OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			EXAMINER EGAN, SCOTT T	
			ART UNIT	PAPER NUMBER
			2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/05/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

10/761,227

Applicant(s)

MURAMATSU, MASARU

Examiner

Scott Egan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4 is/are rejected.
- 7) ☒ Claim(s) 3 and 5-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on June 23, 2004 were considered by the examiner.

### ***Oath/Declaration***

2. Receipt is acknowledged of papers filed under 35 U.S.C. 119 (a)-(d) based on an application filed in Japan on January 24, 2003. Applicant has not complied with the requirements of 37 CFR 1.63(c), since the oath, declaration or application data sheet does not acknowledge the filing of any foreign application. A new oath, declaration or application data sheet is required in the body of which the present application should be identified by application number and filing date.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. **Claims 1, 2 and 4** are rejected under 35 U.S.C. 102(b) as being anticipated by Haruki et al. (US 4,969,045).

Consider **claim 1**, Haruki et al. explicitly teach:

An electronic camera (image sensing apparatus figure 1) comprising:

an image-capturing element that captures a subject image and outputs image-capturing signals each corresponding to a pixel (image sensor 8, see column 5, lines 54-56); and

a control device (accumulating circuits 16-21, memory circuit 25, microcomputer 26, and gamma correcting 302) that executes gradation correction on the image-capturing signals output by the image-capturing element (microcomputer 26 sends values to gamma correcting 302, see figure 1), wherein:

the image-capturing element is split into a plurality of pixel areas each containing a plurality of pixels (figure 2, column 6, lines 4-9); and

the control device calculates average values of image-capturing signal values in the pixel areas (column 9, lines 14-27), which are output by the image-capturing element prior to a shutter release (see figure 1, feedback line), determines an exposure quantity and gradation characteristics based upon the average values having been calculated each in correspondence to one of the plurality of pixel areas (column 9, lines 49-68 through column 10, lines 1-16 describe how the exposure quantity is selected based on the calculated average values, column 14, lines 44-61 explain how the gradation correction values are selected based on the aforementioned evaluation

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values), engages the image-capturing element to capture an image at the exposure quantity having been determined in response to the shutter release and executes gradation correction on image-capturing signals output by the image-capturing element in conformance to the gradation characteristics having been determined (figure 1, column 10, lines 40-42 also show that the evaluating values are used to carry out the automatic iris control before shutter release).

Consider **claim 2**, Haruki et al. explicitly teach:

An electronic camera according to claim 1, wherein:

the control device determines the exposure quantity and the gradation characteristics based upon a number of average values exceeding a first deciding threshold value among the calculated average values corresponding to the plurality of pixel areas (column 9, lines 49-68 through column 10, lines 1-26, this process compares each average value to a threshold and makes its decision of evaluation value and thus gamma correction value based on how many are over the threshold, for example if values 1, 2, and 3 are over the threshold, value 4 will be used).

Consider **claim 4**, Haruki et al. explicitly teach:

An electronic camera according to claim 1, wherein:

the control device detects a subject brightness value based upon the image-capturing signals output by the image-capturing element prior to the shutter release and determines the exposure quantity based upon the detected subject brightness value (column 6, lines 50-59 uses the luminance signal and that information is used in the process in column 9, lines 14-68 through column 10, lines 1-26).

***Allowable Subject Matter***

5. Claims 3 and 5-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Toshinobu (US 5,079,622) teaches exposure control and gamma correction based on averages of areas, seen in figure 2, found using integrating circuits 10a-10f. Watanabe (US 2002/0012965) teaches an exposure control apparatus that separates the image into areas, finds the high luminance area and uses the average to determine the exposure value. Mori et al. (US 6,950,141) teaches a camera that controls image sensor exposure by breaking the image into 64 blocks and averaging all of those blocks or different sections of the blocks to determine the exposure value.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Egan whose telephone number is (571) 270-1452. The examiner can normally be reached on Monday-Friday 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc-Yen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SE



NGOC YEN VU  
SUPERVISORY PATENT EXAMINER